



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200175439

Date: October 16, 2001

Comments Due: November 15, 2001

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material in headwaters and jurisdictional wetlands, as shown in the attached drawings.

**APPLICANT:** Mr. Stewart Johnson  
Crested Butte Mountain Resort  
12 Snowmass Road  
Emmons Building  
Mt. Crested Butte, Colorado 81225

**LOCATION:** The project site is located approximately 0.8 mile northeast of the Town of Mt. Crested Butte within an unsectioned portion of Township 13 South, Range 85 West and Sections 13 and 24, Township 13 South, Range 86 West, Gunnison County, Colorado.

**PURPOSE:** The Crested Butte Mountain Resort (CBMR) proposes to develop the proposed "Prospect Project". The project would modernize the existing infrastructure at CBMR. Ski resorts typically finance infrastructure through real estate development, and the sale of real estate at the project site would provide the capital necessary for CBMR to become competitive in the Ski Industry. Therefore, the project purpose is to develop the Prospect Project and sell the real estate to generate capital to modernize the ski area, including new base area facilities, new lifts and a new gondola.

**PROJECT DESCRIPTION:** The development plan includes roads, utilities, single-family housing, a commercial center, lodge and restaurant, underground parking, ski lifts and a gondola, ski runs, cross-country hiking and biking trails, and associated development. The applicant's preferred development plan would impact approximately 46,112 square feet (sf) of wetland and 1,978 sf of small drainage channels as a result of the direct discharge of dredged or fill material. An additional 7,245 sf of wetland would be temporarily impacted for utility construction, and

121,679 sf of wetland shrubs located along skiways would be affected by trimming operations. A breakdown of wetland impacts, location and activity are included in the drawings, and in Table 4 of this public notice.

**ALTERNATIVES:** A no action alternative which would not impact waters of the United States was considered by the applicant, however, it is likely that the project site could eventually be developed under Colorado State Senate Bill 35 Revisions which allow individual sales of 35-acre parcels. If development were to occur under this or another development scenario, wetland impacts would also occur since access would necessitate the crossing of numerous wetlands and small drainages. The applicant also considered an alternative development plan which would result in approximately 59,569 sf of total direct wetland impact. Numerous road alignments were produced and evaluated to avoid and minimize impacts to wetlands. Those refinements resulted in the development of the applicant's preferred alternative.

**AREA DESCRIPTION:** The project site description is characterized by moderate to steep north, east and south slopes. Topographic relief ranges from 10,150 feet in the southwest portion of the site to 8,470 feet at the project site north boundary. Vegetation grades downslope from spruce-fir and lodgepole forest to aspen groves and mountain meadow with associated palustrine scrub/shrub and herbaceous wet meadow wetlands. The historic land use consisted of livestock grazing.

**ADDITIONAL INFORMATION:** The applicant has proposed a wetland mitigation and monitoring plan for 1:5 to 1.0 replacement of impacted wetlands. The applicant has also requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Andrew Ross, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **November 15, 2001**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3540.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. The project site has been surveyed and the Colorado State Historic Preservation Officer has determined that there will be no effect to cultural resources by this project. If unidentified archaeological resources are discovered during the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria.

The U.S. Forest Service has consulted with the U.S. Forest Service under Section 7 of the Endangered Species Act, and it has been determined that the project may proceed without further consultation.

Interested parties are invited to submit written comments on or before **November 15, 2001**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Ken Jacobson, Chief, Colorado/Gunnison Basin Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Jacobson, at telephone number (970) 243-1199, extension 15, or email [kjacobson@spk.usace.army.mil](mailto:kjacobson@spk.usace.army.mil).

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawing(s)